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Human Rights - Council Policy

Effective Date	<i>Ordinary Meeting of Council - 22 July 2020</i>
Policy Owner	<i>Customer Support & Governance Manager</i>
Link to Corporate Plan	<i>Active Vibrant Communities Great Liveability Financial Sustainability</i>
Review Date	<i>July 2024</i>
Related Legislation	<i>Human Rights Act 2019</i>
Related Documents	<i>Human Rights Guideline Complaints Management Policy Complaints Management Standard Work Practice</i>

Policy Version	Approval Date	Adopted/Approved
1	22/07/2020	Ordinary Meeting of Council

*This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.***



Human Rights - Council Policy

1. PURPOSE

The *Human Rights Act 2019* (the Act) requires Council as a public entity¹ to act and make decisions in a way that is compatible with human rights.

2. SCOPE

This Policy applies to Councillors and all employees of Council, including temporary and contract staff.

This Policy applies to interactions that occur when:-

- i. dealing with customers or community members when providing day-to-day services;
- ii. processing and dealing with human rights complaints from the public;
- iii. making decisions, interpreting and applying laws;
- iv. developing policies and procedures; and
- v. inducting new employees of Council.

Council will respond to human rights complaints in accordance with the *Human Rights Act 2019* and Council's Complaints Management Policy and Standard Work Practice.

3. POLICY

3.1 Policy Statement

Western Downs Regional Council is committed to protecting and promoting human rights, and to building a culture within Council that respects and promotes human rights and as such will respect, protect and promote human rights in our decision making and actions.

3.2 Roles and Responsibilities

Councillors and Council employees are required to act and make decisions in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

Council employees responsible for responding to human rights complaints made under the *Human Rights Act 2019* will do so in accordance with the *Human Rights Act 2019*, Council's Complaints Management Policy, Standard Work Practice and any relevant policies and procedures.

3.3 Definitions

Human rights has the meaning given in part 2, divisions 2 and 3 of the *Human Rights Act 2019* and include:-

- Recognition and equality before the law (section 15)
- Right to life (section 16)
- Protection from torture and cruel, inhuman or degrading treatment (section 17)
- Freedom from forced work (section 18)
- Freedom of movement (section 19)
- Freedom of thought, conscience, religion and belief (section 20)
- Freedom of expression (section 21)
- Peaceful assembly and freedom of association (section 22)
- Taking part in public life (section 23)
- Property rights (section 24)
- Privacy and reputation (section 25)

¹ A 'public entity' as defined in section 9(d) of the *Human Rights Act 2009* is a local government, a Councillor of a local government or a local government employee and includes a registered provider when performing 'functions of a public nature' in the State (as defined in section 10 of the *Human Rights Act 2019*).



Human Rights - Council Policy

- Protection of families and children (section 26)
- Cultural rights – generally (enjoyment of culture, religion and language) (section 27)
- Cultural rights – Aboriginal and Torres Strait Islander peoples (section 28)
- Right to liberty and security of person (section 29)
- Humane treatment when deprived of liberty (section 30)
- Fair hearing (section 31)
- Rights in criminal proceedings (section 32)
- Children in the criminal process (section 33)
- Right not to be tried or punished more than once (section 34)
- Right not to be subject to retrospective criminal laws (section 35)
- Right to education (section 36)
- Right to health services (section 37)

Compatible with human rights has the meaning given in section 8 of the *Human Rights Act 2019*:-

An act, decision or statutory provision is compatible with human rights if the act, decision or provision—

- (a) does not limit a human right; or
- (b) limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13.

